



Aalborg Universitet

**AALBORG UNIVERSITY**  
DENMARK

## **Stasis and Bellum Civile**

*A Difference in Scale?*

Lange, Carsten Hjort

*Published in:*

Critical Analysis of Law: An International & Interdisciplinary Law Review /CAL

*Publication date:*  
2017

*Document Version*  
Publisher's PDF, also known as Version of record

[Link to publication from Aalborg University](#)

*Citation for published version (APA):*

Lange, C. H. (2017). Stasis and Bellum Civile: A Difference in Scale? *Critical Analysis of Law: An International & Interdisciplinary Law Review /CAL*, 4(2), 129-140.

### **General rights**

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal -

### **Take down policy**

If you believe that this document breaches copyright please contact us at [vbn@aub.aau.dk](mailto:vbn@aub.aau.dk) providing details, and we will remove access to the work immediately and investigate your claim.

# Stasis and *Bellum Civile*: A Difference in Scale?

---

Carsten Hjort Lange\*

## Abstract

David Armitage's new monograph *Civil Wars: A History in Ideas* (2017) will undoubtedly long remain a standard reference work. It presents readers with a vision of civil war as part of the *longue durée*. The argument might be further strengthened, however, if a more inclusive Greco-Roman approach to ancient civil war is accepted. This essay focuses on *stasis* vs. *bellum civile*, the origins of the concept of civil war, the approach of later Roman writers (such as Appian and Cassius Dio) to the concepts of *stasis* and *bellum civile*, and, finally, the question of what makes a civil war a civil war. Whatever concepts were used, the Romans were not the first to experience internal war as a civil war—that is, a war between the citizens of a polity.

\* \* \*

David Armitage's new monograph *Civil Wars: A History in Ideas* (2017) presents us with a great opportunity to view civil war as part of the *longue durée* (22). To my knowledge no comparable book exists. This is consequently a very timely and important book, written by an historian with an impressive knowledge of history from ancient times to today and a commanding understanding of the diverse historical sources. The relevance of the book in the modern context should be obvious: today, civil war has superseded interstate warfare as the most typical and organized kind of violence (5).

The book does not aim to present the complete story of civil war and neither does it provide an overarching theory of civil war (7). However, what the book does provide are answers as to how civil war forms the way we think about the world (12). In order to provide those answers, it first explains the genealogy of this contested concept (17-18). The title emphasizes “history in ideas”—*contra* “history of ideas” (20)—but this is still very much a book about intellectual approaches to the concept of civil war and its impact. In Armitage's view, the concepts of civil strife and civil war derive from two traditions of differing emphasis: where the first tradition—that of Greek *stasis*—is associated with faction, discord, and dissension, the second tradition is the Roman concept of *bellum civile*, or “citizens' war” (22-23). The Romans, according to Armitage, introduced two elements into civil war that became important also in later conceptions (57): first, that civil war takes place within the boundaries of a single political community; and second, that there should be at least two contending parties in a civil war, one with a legitimate claim of authority over that community. Of course in Rome—and certainly during the Late

---

\* Assistant Professor, Aalborg University, Denmark.

Republican civil wars—there were in fact numerous factions, all fighting for similar claims of authority over the community.

Armitage underlines and focuses on Rome’s “canon” of civil war (88-89), with a republican, an imperial, and a Christian narrative. However, there are surely more than three basic narratives; and Armitage develops fundamental changes in the later Roman Empire in less detail than might be useful for the fullest discussion of the *longue durée*. We note that, as the meaning of *civis* changed, so too did the meaning of *bellum civile*. The *Constitutio Antoniniana* of Caracalla in 212 CE altered the meaning of Roman citizenship: it was extended to all free subjects in the Empire and so was shorn of much of its meaning.<sup>1</sup> Accordingly, “citizen’s war” had to be redefined, too.

Subsequently the book traces the legacy of Rome excellently in the modern period, identifying three turning points, each with their own methodological significance (23-24): first, the late eighteenth century, in order to distinguish civil war from revolution; second, the mid-nineteenth century, in order to pin down a “legal” meaning of civil war; and third, the later phases of the Cold War, in order to explore how social scientists sought to analyze conflicts around the world in the era of proxy wars and decolonization. The overall tripartite structure of the book reflects the above focus upon the reception of antiquity in modern approaches to civil war. Thus Part 1, *Roads from Rome*, focuses on the first century BCE to the fifth century CE, when Roman debates decisively shaped conceptions about civil war. Part 2, *Early Modern Crossroads*, focuses on the Roman explanations and narrative repertoire from which thinkers drew their concepts about civil war. Part 3, *Paths to the Present*, concentrates on the period of the US civil war to current affairs (i.e., civil war under the dominion of law). The conclusion reaffirms that past (Roman) definitions and concepts of civil war persist (cf. 27).

Reading through Armitage’s book, it quickly becomes evident that the concept of civil war was as slippery in ancient times as it is today. There was and is never—ever—only one narrative. However we approach these narratives, it is this reviewer’s firm belief that scholars should ultimately accept that we can safely assume that some features of ancient civil wars were indeed regular features of any civil war, and consequently, we should accept civil war in ancient Rome as a valid and instructive example to consider in modern debates about civil war. Armitage’s new book both valorizes this approach and rectifies a deficiency in our understanding of civil wars, ancient and modern. The possible implications of this study remain to be seen. Perhaps more than anything, all scholars working on civil war—including social and political scientists—need to learn their history as well as the traditions of the concepts they apply.

The remainder of this review will concentrate on what constituted a *bellum civile*, focusing mainly on Late Republican Rome. “What,” Armitage writes, “in short, *is* civil war?” (16). The aim of this review is an even more inclusive understanding of civil war than the one presented by Armitage. The terms “inclusive” or “exclusive” are often connected

<sup>1</sup> See Johannes Wienand, *Der Kaiser als Sieger: Metamorphosen triumphaler Herrschaft unter Constantin I.*, at 207 (2012).

to definitions, as if we will somehow finally understand a concept by having agreed on its definition. Of course we all need definitions, mainly in order to agree that we are talking about the same thing (15-18, 219 n.50). But, as Armitage writes, it is essential to emphasize that too exclusive a definition denies many conflicts the name of civil war (222-23).

### I. Stasis vs. *bellum civile*

We must first ask ourselves whether ancient Rome was in any way different. Civil war is, in simple terms, a question of war within a political entity (*civitas*) similar to a Greek *polis*, even if most *polis* conflicts were on a comparatively small(er) scale.<sup>2</sup> To suggest too big a difference between Greek *stasis* and Roman—or perhaps better, Latin—*bellum civile*, would leave us with rather too exclusive a definition. Take Cicero: it seems that he emphasizes a marked difference between the Greek and the Roman world.<sup>3</sup> While this may suggest a difference in scale, it also suggests that *stasis* and *bellum civile* were at their core, manifestations of the same phenomenon.

### II. Thucydides

Armitage is undeniably right to underline that Roman debates decisively shaped conceptions about civil war until the end of antiquity (25), and beyond. These are ideas that mattered and still matter. But the argument might be strengthened even more if we accept a Greco-Roman approach. The great success of Thucydides from the Late Republic to the Renaissance and later speaks volumes;<sup>4</sup> as, indeed, does his great and particular influence on ancient historiography, reflected in so many ancient portraits of internal strife and war: Plato, Aristotle, Polybius, Sallust, Cicero, Dionysius of Halicarnassus, Josephus, and Tacitus, to name a few. I am not denying that Hobbes never translated “civil war” in his *Eight Bookes of the Peloponnesian Warre* (42), but my claim is that Greek and Roman writers learned about *stasis* and civil war with Thucydides as their model. One historian often forgotten in this context, and regrettably unmentioned by Armitage, is Cassius Dio, a Roman senator who after his retirement from public life in 229 CE wrote an eighty-book *Roman History* in Greek, emulating Thucydides and his model of *stasis*,<sup>5</sup> from a somewhat bleak—or alternatively “Realist”—viewpoint on the Late Republic and the Roman *bellum civile* informed by a pessimistic view of human nature.<sup>6</sup>

<sup>2</sup> There is good reason to use the phrase “civil war” in the singular to describe the Late Republican civil war, even if this may appear provocative; it refers to civil war proper, 91-29 BCE (remembering Armitage, at 6: the most likely legacy of civil war is renewed civil war), with a build-up phase from 133 or 146 BCE. It is important, nonetheless, to emphasize that Sulla’s march on Rome is part of an ongoing pattern of violence in/over the Forum Romanum.

<sup>3</sup> *Off.* 1.86 (“As a result of this party spirit bitter strife [*discordia*] arose at Athens, and in our own country not only dissensions [*seditiones*] but also disastrous civil wars [*bellum civile*] broke out.”).

<sup>4</sup> See Brill’s Companion to Thucydides (Antonios Rengakos & Antonis Tsakmakis eds., 2006).

<sup>5</sup> Thuc. 3.81.4-5; cf. 3.81-85.

<sup>6</sup> See Cassius Dio: Greek Intellectual and Roman Politician (Carsten Hjort Lange & Jesper Majbom Madsen eds., 2016).

Thucydides's description of 427 BCE (41-45) remains the most important ancient description of civil disturbances on a conceptual level. His excursus also includes issues such as human behavior, the nature of the violence, and "factionalism," all of which are also essential features of civil war.<sup>7</sup> But to suggest—as Armitage does (43)—that "in his treatment of *stasis*, Thucydides consistently distinguishes the war between Sparta and Athens from the strife within Corcyra," poses problems: Corinth returned 250 prisoners to Corcyra, hoping to change the city's allegiance, as agents of a foreign power.<sup>8</sup> In the end the oligarchs rebel and attack the people,<sup>9</sup> defeating them.<sup>10</sup> Each side appeals to slaves to join them and 800 mercenaries are brought in by the oligarchs from the mainland. Fighting follows. The oligarchs are then defeated, but a Peloponnesian fleet arrives.<sup>11</sup> A naval battle follows; the Corcyraeans lose, but the intruders later flee, as a larger Athenian fleet approaches. A massacre of the oligarchs and their faction follows, facilitated by the Messenian hoplites and the fleet of Eurymedon. This equals a foreign intervention, as well as a proxy war between oligarchic and democratic rule: Sparta versus Athens. There is a struggle in the city and the factions reach outside for help. Whether we call this civil strife during wartime or civil war proper is immaterial; they are inseparable.

This is war, or, alternatively, *stasis*—which was only possible due to war. Whilst there was *stasis* earlier in Greek history,<sup>12</sup> it here becomes closely related to warfare. The only way to exclude war from the killings in the city is to ignore the context of this *stasis*. Thucydides's description of *stasis* in this particular case involved war and fighting. The famous killings after the battles had ended might fittingly be described as part of "Phase IV" operations—activities conducted after combat in order to stabilize and reconstruct the area of operations—related to the victory in war. In comparison with Roman civil war, the Corcyra *stasis* betrays at the outset an obvious difference in *scale*. But this difference is mainly a question of historical and geopolitical developments and the size of the polity—not radically different from the Peloponnesian War in any case—and not of the nature of internal conflict itself.

Thucydides emphasizes that *stasis* has a dynamic of its own. Thus, *stasis* is usually pursued until the defeat or even annihilation of the enemy.<sup>13</sup> War is described in similarly famous terms as a violent teacher, with *stasis* mentioned only a moment earlier.<sup>14</sup> Labels are notoriously difficult; but this seems a description of civil war, using a fitting Greek

---

<sup>7</sup> See Fotini Christia, *Alliance Formation in Civil Wars* (2012).

<sup>8</sup> Thuc. 1.55.1.

<sup>9</sup> Thuc. 3.70.1.

<sup>10</sup> Thuc. 3.72.2.

<sup>11</sup> Thuc. 3.76.1: *stasis*.

<sup>12</sup> Thuc. 3.34, on Notium.

<sup>13</sup> Thuc. 4.48.5.

<sup>14</sup> Thuc. 3.82.2 ("[B]ut war, which takes away the comfortable revisions of daily life, is a violent teacher and tends to assimilate men's character to their conditions.").

word, *stasis*. According to C.W. Macleod, “war” and “faction” are closely connected and the growth of *stasis* was a natural consequence of war.<sup>15</sup> Accordingly, 3.82.2 emphasizes that war foments *stasis*. Furthermore, the frailties of human nature are made manifest in equal measure in *stasis* as in war. Consequently, even if we would conclude that they are not entirely the same, they are certainly similar.

Violence, factions, personal animosities, revenge, and so forth are all features that traditionally occur in civil wars. In addition to its literal meaning of “standing” and its associations with “civil war,” we should remember that *stasis* often appears to mean “faction” or “civil strife.” Many of these dimensions of human behavior within the Thucydidean model of *stasis*—such as factiousness and strife—do indeed also occur in *polemos*. It may therefore be an overstatement to write, with Armitage, that “the Greeks had a clear understanding of war, or what they called *polemos*” (32); rather, an alternative approach may be to consider that *polemos* might include manifestations of *stasis* under the right circumstances.

### III. The Origins of *bellum civile*

Moving on to Rome, the origin of the term *bellum civile* is central to any debate about the term itself. It is frequently used after 49 BCE, whereas there are only a few earlier instances.<sup>16</sup> The *Pro Lege Manilia* passage and the Luceius letter show that by the 60s/50s BCE, *bellum civile*—when infrequently it was cited—tended to be used as a descriptor for the civil war(s) of the eighties.<sup>17</sup> However, the origin of the term is unclear. Cicero’s repeated tendency to argue that his civil war opponents were worse than those in past civil wars, including differences in scale—thereby justifying his extreme responses—is striking and may point to an earlier date for the term *bellum civile*.<sup>18</sup> The historical register of civil-war atrocities within which Cicero places his opponents (in negative comparison) may indeed stretch as far back as to the Greek civil wars of the Classical period, which the orator mentions explicitly in relation to Rome at *de Officiis* 1.86.

However we approach this question, the scale of the civil wars may have changed during the Late Republic, and the term *bellum civile* certainly belongs to the same period. But the phenomenon of civil war is much older. Parallel evidence on *stasis* and *polemos* provides some context for the question. In *The Laws*, Plato remarks, in a section devoted to the observations of “the Athenian,” that he who would bring the state into harmony<sup>19</sup> should, in seeking to order the state, have a special regard “more to that internal *polemos*

<sup>15</sup> C.W. Macleod, Thucydides on Faction (3.82-83), 25 Proc. Cambridge Philological Soc’y 52 (1979).

<sup>16</sup> Cic. *Leg. Man.* 28 (66 BCE); *Cat.* 3.19 (63 BCE); *Fam.* 5.12.2 (55 BCE), to Luceius, referring to his *Italicis belli et civilis historiam*; see Armitage, at 64.

<sup>17</sup> Cic. *Tusc.* 5.56; *Div.* 2.53; *Vell. Pat.* 2.28.2; *Vir Ill.* 77.1; *Eutr.* 5.4; 5.9.

<sup>18</sup> *Cat.* 3.24-25 on Catiline; *ad Br.* 23.10 on Antonius; *Phil.* 8.7; *Phil.* 13-14.

<sup>19</sup> ὁ τὴν πόλιν συναρμόττων.

called *stasis*, which occurs from time to time and which everyone would wish never to come to pass in his city and, if it does, would wish to end as soon as possible.”<sup>20</sup>

More than anything this suggests that we need to be careful with foregone conclusions: *polemos* could be used to describe a *stasis*. According to Armitage, the Greeks spoke of *stasis emphylos*, whereas *polemos* was only used for extra-communal war (40). However, Polybius suggests that the Carthaginian mercenary revolt during the First Punic War,<sup>21</sup> described as a *stasis* at 1.66.10, 1.67.2, and 1.67.5, was an internal *war* as well as an internal problem.<sup>22</sup> A similar usage is found in Appian, who defines the Social War as a *war*, but “great and *emphylios*.”<sup>23</sup> The war against the *Socii* is at the very least close to a civil war. The difference between “civil” and “internal” conflicts—among members of the same polity or among other relatively close parties—became increasingly difficult to determine in Italy during the Late Republic. These examples reveal the considerable flexibility of definitions in the ancient evidence as well as the continuing problems in conceptualizing and approaching civil war in both antiquity and today.

#### IV. Appian and Cassius Dio

It complicates matters even more to consider Roman history through the lens of Greek historians—or more precisely, Roman historians writing in Greek—such as Appian and Cassius Dio, who provide our main historical narrative evidence for the period. There are two main strands in ancient writing about the Romans and their empire: (a) the Romans’ own tradition; and (b) Greek historical responses, some developing their own models (Polybius, Josephus) and the others building on what both the Roman historians and earlier Greeks had written (Dionysius, Appian, Cassius Dio).

The question arises as to whether the different terms—*stasis* and *bellum civile*—reflect a difference in scale only. There are Greek words equivalent to *bellum civile*: *polemos emphylios* and *oikeios polemos*. However, the concept of *stasis* within Greek writing might have expanded as the Roman concept of *bellum civile* emerged, and thus is used in this way in the Greek historians of Rome from the first century BCE and later. This cannot be totally disregarded (see however above), but it seems much more important to emphasize that both Appian and Cassius Dio used Thucydides as their model when writing about Roman civil war.

Appian remarks in the preface of the *Emphyilia* that Rome came, through the process of empire-building, to a period of *stasis* and discord followed by constitutional change.<sup>24</sup> Reflecting Thucydides’s “Realist” view of human nature—revealing, as it were,

<sup>20</sup> Plato *Leg.* 1.628a-e; see Armitage, at 39, on the different sections of the work; cf. 628b; cf. Plato *Menex.* 243e-244a on the *stasis* at Athens in 404 BCE (“our war at home”).

<sup>21</sup> Polyb. 1.65-88.

<sup>22</sup> Polyb. 1.65.2; 1.71.8: *emphylios polemos*.

<sup>23</sup> App. *B Civ.* 1.40.1: μέγαν τε καὶ ἐμφύλιον πόλεμον.

<sup>24</sup> App. *B Civ.* 1.6.1 (“[T]he Roman state came through from multifarious civil disorders (*staseis*) to concord (*homonoia*) and monarchy.”).

the realities of power—Appian states that “men’s limitless ambition (*philotimia*), terrible lust for rule (*philarkhia*), indefatigable perseverance, and countless forms of evil” were a central feature of the period. This view of human behavior in civil strife and war originates from Thucydides. From the outset, *stasis* seems to describe the Late Republic. At 4.1.2, he even points back to Greek civil wars: the triumviral proscriptions are only comparable to Sulla’s proscriptions, not Greek *stasis*. Again, it is a comparison that, at core, suggests the same phenomenon; but the Romans were simply more extreme than the Greeks.

Appian distinguishes three phases of *stasis* at Rome: at *B Civ.* 1.1-2 he distinguishes between the *staseis* of the early Republic—which he believes to have been bloodless, contrary to Cassius Dio—and the bloodshed in internal disorders from the Gracchi onwards. Then at *B Civ.* 1.55,<sup>25</sup> Appian marks the beginning of a new phase at 88 BCE: civil war as such, with the turning point of the sacking of Rome which permanently changed the rules of the game.<sup>26</sup> This turning point opens up the final phase in *stasis* at Rome: from that point onward, the stasiarchs fought one another with great armies *in the fashion of war*,<sup>27</sup> and with the fatherland as their prize (see 49).

However, in discussing the possible transition from *stasis* to *polemos* Appian also shows that both are part of the same development—the essence of which is violence, whether in strife or war—and thus that civil war is an integral part of *Emphyilia*. The *Emphyilia* is usually translated as *Civil War*, but the books also embrace bloodshed arising from internal discord (*staseis*). But does it really make sense to separate these issues? Rome’s civil wars rarely ended gracefully, with violence spreading well beyond the battle line, usually inviting acts of counter-violence. Even if the ancient sources largely treat the period as a series of discrete wars with intermittent periods of peace, this does not take the typical messy aftermath—and build-up—of civil war into account. *B Civ.* 5.132, on the ending of the civil war in 36 BCE, is extremely revealing. The word *stasis* is used by Appian to describe this process.<sup>28</sup>

The fragmentary state of the early books of Cassius Dio makes any interpretation of his account more difficult, but it would appear that he took much the same view as Appian. Neither the term *polemos emphylios* nor the term *oikeios polemos* appears in his extant work until 38.17.4. At 52.16.2, he says that the discord arising after Rome’s world conquest was at first merely *stasis* “at home and within the walls,” but was then carried “into the legions,” implying, like Appian, that 88 BCE was a turning point.<sup>29</sup>

We may wonder where this idea of scale as a main difference, with 88 BCE as the “turning point,” comes from. It most likely derives from the Roman historiograph-

<sup>25</sup> Cf. App. *B Civ.* 1.58.

<sup>26</sup> App. *B Civ.* 1.58-60.

<sup>27</sup> App. *B Civ.* 1.60: ὡς πολέμιον.

<sup>28</sup> App. *B Civ.* 5.132 (“This seemed to be the end of the civil dissensions.”).

<sup>29</sup> Cass. Dio 52.16.2 (“At first it was only at home and within our walls that we broke up into factions and quarreled, but afterwards we even carried this plague out into the legions.”).



ical tradition. In defining the strife that carried “into the legions,” Cassius Dio mentions factions, another hallmark of civil war. To give an example, he remarks elsewhere that “there is no doubt that in civil wars the state is injured by both parties.”<sup>30</sup> *Stasis* is used to describe the beginning of the civil war after Caesar’s crossing of the Rubicon; the term is used similarly elsewhere.<sup>31</sup>

More often than not, more than one label was used to describe a specific conflict. In principle this question should be simple: if “civil war” is a meaningful concept—which it might not be<sup>32</sup>—then we must be able to identify its defining characteristics and to show how it can be distinguished from other forms of violent civil dissension. But we simply cannot ignore that our ancient evidence at times almost elides the differences between the concepts of *stasis* and civil war and then virtually uses them as synonyms. Again, we as scholars have a tendency to look for one basic definition and one main narrative—one that in the end may not be found in the ancient evidence.

## V. What Makes a (Civil) War a (Civil) War? Conceptual Difficulties

It is vital to remember that civil war is a subcategory of the broader phenomenon of war.<sup>33</sup> When approaching ancient warfare, we need to beware of using excessive quantifications: as rightly stressed by Armitage (217), the “standard” quota of one thousand battle deaths per year as a means of defining a modern “war” seems problematic—and indeed all the more so in the ancient context, especially early Greek and Roman warfare. This needs to be set in an historical context. How to define *polemos* and *bellum*, and what constitutes them, are problematic and relevant questions.<sup>34</sup> Simply put, the difference in scale posited by Appian and probably Cassius Dio between *stasis* and *bellum civile*—with 88 BCE as a turning point—does not suggest that *stasis* at Corcyra was not a *polemos*; and indeed, both Appian and Cassius Dio are referring only to Roman history.

The most central question is consequently how to approach warfare. Our modern perception of warfare, of war, of armies and the military, is in the main traditionally based upon conventional warfare between states. In ancient times there was a lack of international law, with every state seeking to maximize its power due to the anarchic nature of interstate relations. War becomes a normal feature of the life of states. As part of the

---

<sup>30</sup> Cass. Dio 41.14.2.

<sup>31</sup> E.g., Cass. Dio 39.58.2; 41.46.2. Perhaps in contrast, 52.27.3 seems to imply a straightforward distinction between *stasis* and *polemos*, citing “*staseis* and war”: “if, on the other hand, we permit all the men of military age to have arms and to practice warfare,” Dio’s Maecenas admonishes, “then they will always be the source of seditions [*staseis*] and civil wars.”

<sup>32</sup> See Edward Newman, *Understanding Civil Wars: Continuity and Change in Intrastate Conflict* esp. 4–7 (2014) (regarding modern civil war).

<sup>33</sup> Lucan (*De Bello Civili* 1.21) even famously describes civil war as *bellum nefandum*, an unspeakable war (see Armitage, ch. 2). What is unspeakable is the *civil* aspect of a war.

<sup>34</sup> Cf. Rosa Brooks, *How Everything Became War and the Military Became Everything: Tales from the Pentagon* 22 (2016) (on redefining what counts as war: “Here’s the basic problem: if we can’t tell whether a particular situation counts as ‘war’ we can’t figure out which rules apply.”).

“rules of engagement,” the victor could exercise the right to kill the enemy, certainly one that had fought against the might of Rome. Cicero famously wrote that *silent enim leges inter arma*.<sup>35</sup>

Accordingly, *bellum civile* may, after all, not have been invented to acknowledge a difference in scale, but in order to justify killings, perhaps mainly as part of Phase IV operations. A typical and persuasive way in which to define an enemy was as an enemy of the state. For example, somebody, internal or external, who fought against the state and against the order of things. Often these conflicts were partly externalized; Cleopatra, for instance, was a gift for Young Caesar in the war against Antonius. Sometimes the enemies were declared *hostes*, enemies of the state; and sometimes they were portrayed as alternative states, as pirates, or similar. At the very least, they were in no longer *cives*. And if they were not in principle *cives*, how in principle could there be a *bellum civile*?

One of our best examples of these conceptual difficulties is found in Cicero.<sup>36</sup> In 43 BCE he was trying to get Antonius declared a *hostis*, but was opposed by L. Iulius Caesar, who wanted the word *bellum* replaced with *tumultus*. Was this an internal political dispute, or was this war? More often than not there was a blurring of narratives, often when related to justifications or triumphal honors, which in principle could only happen after foreign wars.<sup>37</sup> The war might still be acknowledged as a *bellum civile*, but one side was always portrayed as having lost all legitimacy.

Looking at modern approaches to warfare, Emile Simpson redefines the traditional paradigm of war.<sup>38</sup> In a marked departure from the classical definition of warfare espoused by Clausewitz in the *Vom Kriege*—who, as Armitage notes, never mentions civil war (165)—Simpson places within the ambit of war firstly, conflicts fought to establish military conditions for a political solution; and secondly, conflicts that directly seek political as opposed to military outcomes, which lie beyond the scope of the traditional paradigm. Modern concepts like insurgency, and asymmetric and hybrid warfare, have gained popularity as well.<sup>39</sup> However, it is not uncommon, even today, to propose that civil war and small wars do not count in the classical definition of warfare (following Clausewitz’s views). They are “military operations other than war.”<sup>40</sup>

Roman warfare frequently involved disproportionate military resources, organization, reach, manpower and high levels of training; this is reflected in the enemies’ inability,

<sup>35</sup> *Pro Milone* 11.1 (“at times of war the laws are silent”).

<sup>36</sup> Cic. *Phil* 12.17 (“I consistently called Antonius a public enemy [*hostis*], while others [L. Iulius Caesar] called him an adversary [*adversarius*]; I consistently called this a war [*bellum*], while others called it a public emergency [*tumultus*].”).

<sup>37</sup> See Carsten Hjort Lange, *Triumphs in the Age of Civil War: The Late Republic and the Adaptability of Triumphal Tradition* (2016).

<sup>38</sup> Emile Simpson, *War from the Ground Up: Twenty-First-Century Combat as Politics* (2012).

<sup>39</sup> Armitage mentions asymmetric warfare in connection with modern warfare (4, 207 (COIN), 225–26), but not in connection with ancient warfare.

<sup>40</sup> Cf. David Kilcullen, *The Accidental Guerrilla: Fighting Small Wars in the Midst of a Big One 2* (2009). Today there is often talk of a full spectrum of conflicts; see Brooks, *supra* note 34, at 82 (MOOTW = Military Operations Other Than War).

due to military weakness, to employ conventional methods of fighting. As a consequence, a large proportion of Rome's warfare was asymmetrical. The Romans would encounter enemies who relied on a mixture of conventional and guerrilla fighting, including insurgency, as for example in the *Hispania* of Viriathus and Sertorius—the latter being in principle a civil war—or the successive slave wars in Sicily and Italy. Similarly, Josephus in the *Bellum Judaicum* mentions a bandit-like war, or guerilla war, which is labelled a war nevertheless.<sup>41</sup> As for civil war, often there was no clearly defined front line. As a result, much of the violence in civil wars was unrecorded, as the focus remained on pitched battles.<sup>42</sup> However we approach this matter, much of the violence in the Late Republican civil war occurred beyond conventional battlefields.

Ending a civil war was never just about victory on the battlefield. Some of the most significant acts of violence in civil war take place elsewhere or subsequent to the “end” of the battle proper: proscriptions, triumphs, severed heads (Cicero), the Perugia killings of 40 BCE, and so forth. Consequently, *bellum* does not necessarily mean conventional warfare between two opposing armies, neither in an ancient nor in a modern context. *Bellum* might, as with the Peloponnesian War, involve conventional warfare; but it might also (and indeed, in the case of that very conflict) involve insurgencies, rebellions, and perhaps even civil war. *Bellum civile* itself is unsurprisingly no different.

In many ways Sallust is a good point of reference, adapting Greek ideas of civil strife to Latin moral vocabulary. According to him, civil strife and civil war are rooted in human nature, which is prone to fighting over *libertas*, *gloria* and *dominatio*.<sup>43</sup> This seems to be responding to the Thucydidean tricolon “fear, honor and interest” as the universal motives for civil war.<sup>44</sup> Sallust, like Cassius Dio later, uses Thucydides as his model to describe Roman civil war. The Catilinarian War seems as good an example as any for the discussion of what makes a war and what makes a civil war. The word “bellum” most likely belongs to the title: *Bellum Catilinae* seems a good possible title.<sup>45</sup> Cicero talks of *civilis coniuratio* and thus not a full-scale *bellum*;<sup>46</sup> he also talks of *bellum domesticum*<sup>47</sup> and *bellum intestinum ac domesticum*.<sup>48</sup> Whichever definition we choose this is undoubtedly an internal conflict. At 1.27 there is talk of banditry (*latrocinium*). However, in the *Catilinarian Orations*

<sup>41</sup> Joseph. *BJ* 2.65; cf. Polybius 14.12.4-5.

<sup>42</sup> See Josiah Osgood, *Turia: A Roman Woman's Civil War* 16 (2014): the task of fighting neighbors and opposing warring groups with small (private) armies was an integral part of the Late Republican period, while armed gangs were also roaming the countryside.

<sup>43</sup> Sall. *Hist.* frg. 1.8 (“The earliest conflicts [*dissensiones*] arose among us as a result of a defect of human nature, which restlessly and without restraint always engages in a struggle for freedom, or glory or power.”).

<sup>44</sup> Thuc. 1.75.3 (“[F]ear being our principle motive, though honor and interest afterwards came in.”).

<sup>45</sup> J.T. Ramsey, Sallust's *Bellum Catilinae* 5 n.9 (2d ed. 2007).

<sup>46</sup> Cic. *Fam.* 5.12.2.

<sup>47</sup> Cic. *Cat.* 2.1; 2.11.

<sup>48</sup> Cic. *Cat.* 2.28.

Cicero uses *bellum* over thirty times. Where does that leave us? Was this a civil war, a conventional war, a war against bandits, or a conspiracy?

As a postscript, we must of course not forget “*civile*” in these discussions: does the concept of “citizen” suggest a different type of war? Quoting Jeremy Mynott,<sup>49</sup> who (arbitrarily) underlines that owing to differences in scale it is anachronistic to use the term “civil war” (in Thucydides), Armitage himself (44) does point to scale. But this, as we have seen, may only be part of the answer, due to the flexibility of the concepts of “*bellum*,” “*stasis*,” and “*bellum civile*.” Armitage adds that the Greeks did not qualify *stasis* with an adjective (39), as with *bellum civile*; but *stasis* is connected to factional issues within a *polis*. This is strife and war between citizens. *Stasis* is synonymous with “faction” (38), as is *bellum civile*.<sup>50</sup>

## VI. Summing Up

The Late Republic fostered change, with the Romans responding to the changing realities of warfare. This forces us to consider the extent to which civil war became a “normal” feature of Roman political and social life.<sup>51</sup> There is no denying that a new name was used: *bellum civile*. As Armitage writes (31–32), the Romans simply joined “civil” with “war” to define a new aspect of their experience which, despite continuities, was (to some extent!) recognized as new, and needed a new name. This might suggest a new kind of warfare; but it is much more likely that the Romans were now *regularly* witnessing something similar to *stasis*, which sometimes (but not exclusively) involved even larger opposing armies. A Latin name was thus invented. Significantly, even if a difference in scale to *stasis* is accepted, this does not suggest an altogether different phenomenon: one thinks of Plutarch’s account of Caesar’s response to his companions’ jests about the possibility of similar conflicts happening in a sorry Alpine village, including struggles for office and jealous ambitions.<sup>52</sup> Consequently, *stasis* vs. civil war may be a distinction essentially of scale (at best) but there is overlap, and we may indeed ask if the Romans always knew a *bellum civile* when they saw one.

Modern scholarly discussions often seem to ignore many integrated aspects of civil war apart from warfare: the importance of family ties and their opposite, personal animosities; the lack of moderation; the centrality of violence;<sup>53</sup> warlike conditions; and individual conflict and factions. In fact, dynasts and factions became a source of security, and Late Republican Rome certainly lacked a monopoly on the legitimate use of force or state violence. This resulted in a final and integrated aspect of civil war, namely discord, state lockdown, institutional collapse, and tensions surrounding the political initiative of

<sup>49</sup> Jeremy Mynott, Thucydides: The War of the Peloponnesians and the Athenians 212 n.1 (2013).

<sup>50</sup> See RG 1.1; Sall. *Ing.* 31.15; *Cat.* 32.2; Caes. *B Civ.* 1.22.5; *B Gal.* 6.11.2; Cic. *Brut.* 44.164; *Att.* 7.9.4; *Rep.* 1.44; 1.68–69; 3.44; Vell. Pat. 2.18.6; Val. Max. 3.2.17; Tac. *Hist.* 1.13; Florus 2.4.6; 2.9.8.

<sup>51</sup> Lange, *supra* note 37.

<sup>52</sup> Plut. *Caes.* 11.3–4 (“I would rather be first here than second in Rome.”).

<sup>53</sup> See Carl von Clausewitz, *Vom Kriege* 1.2 (2008) (1832) (“Der Krieg ist also ein Akt der *Gewalt*, um den Gegner zur Erfüllung unseres Willens zu zwingen.”).

magistrates and the frameworks, for example the *mos maiorum*, within which they were traditionally expected to operate. Again, civil war is much more than the question of battles.

There is no denying that this reviewer would have preferred a more inclusive Greco-Roman approach to ancient civil war. Whatever concepts were used, the Romans were not the first to experience internal war as a civil war, as in a war between citizens of a polity (*contra* 31). However, none of the above detracts in any way from the excellence of Armitage's book, which will long remain the standard reference point, convincingly showing the great *impact* of Rome and its civil war. This is essential reading for all scholars working on civil war.